

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1781-01
Bill No.: HB 613
Subject: Courts; Children and Minors; Circuit Clerk; Judges; Family Services Division
Type: Original
Date: March 12, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue Fund	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Child Support Enforcement	(Unknown)	(Unknown)	(Unknown)
Highway	(Unknown)	(Unknown)	(Unknown)
Statewide Court Automation	\$3,708,333	\$4,450,000	\$0
Total Estimated Net Effect on Other State Funds	(Unknown) to \$3,708,333	(Unknown) to \$4,450,000	(Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration, Department of Corrections, Department of Labor and Industrial Relations, Department of Revenue, Department of Conservation, Department of Public Safety – Missouri State Highway Patrol, Missouri House of Representatives, Missouri Senate, Office of Secretary of State, Office of the State Treasurer, and the Jefferson County Commission** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed within existing resources.

Officials from the **Department of Transportation (MoDOT)** assume Section 10.120 of this legislation provides a mandatory basis for court proceeding continuances, based upon a party or an attorney being a member of the legislature. This section could have a negative fiscal impact on MoDOT, especially if it prevents a case from being tried so MoDOT can recover some funds

or expenses. MoDOT is unable to determine the fiscal impact.

ASSUMPTION (continued)

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would revise various court administrative sections, including fee payments, filing procedures, cost assessments, and fine collections.

The legislation would also extend the sunset of the Statewide Court Automation Fund fee from 2004 to 2005. The sunset on the court automation committee is extended to 2011. The fund realized \$4,341,979 in FY 02, and projected to realize \$4,523,956 in FY 03. While CTS cannot predict absolutely the future income to this fund, CTS assumes that it will be approximately \$4,450,000 per year.

The legislation would also modify various provisions relating to the filing of orders of protection, including prohibiting the assessment of filing fees, court costs, or bonds for orders of protection. Because of the low rate of assessment and collection of costs and fees for these cases, this bill would neither cost nor save a significant amount of revenue for the judiciary. (Federal law currently prohibits the assessment of costs and fees to the petitioner.)

Officials from the **Department of Social Services – Division of Child Support Enforcement (DCSE)** assume this bill, if enacted, would prevent DCSE from performing modifications of child support orders via administrative process. Such prohibition could require DCSE to utilize services of staff attorneys and county prosecuting attorneys for modifications, resulting in higher staffing costs and higher county reimbursement costs. It is unknown if repeated long delays or unsatisfactory performance of modifications could place DCSE's IV-D state plan out of federal compliance, or result in financial sanctions or penalties.

Federal IV-D regulations require DCSE to complete a modification within 180 days (from request for modification to final order). DCS expects that elimination of administrative process for modifications would greatly reduce successful completion of modifications within 180 days. It is unknown if repeated long delays or unsatisfactory performance of modifications could place DCSE's IV-D state plan out of federal compliance, or result in financial sanctions or penalties.

In FY 02, DCSE received 15,078 requests for modification from case parties. A number of these requests were withdrawn by case parties, or failed to meet basic guidelines for modification. Of the requests which could be carried out, DCSE obtained 5,670 orders as a result of administrative process (98%), and 114 orders were obtained judicially by referral to prosecutors. If this legislation passes, all modifications would need to be obtained judicially.

L.R. No. 1781-01
Bill No. HB 613
Page 4 of 8
March 12, 2003

BLG:LR:OD (12/02)

ASSUMPTION (continued)

Based upon the prospect of referring at least 5,670 more cases to prosecuting attorneys or staff attorneys, DCSE expects costs to increase. With limited knowledge of specific effects of this legislation, the fiscal impact of this legislation upon DCSE is unknown at this time.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE FUND			
<u>Costs</u> – Department of Social Services Increased costs for child support order modifications (§511.350.3)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
CHILD SUPPORT ENFORCEMENT FUND			
<u>Costs</u> – Department of Social Services Increased costs for child support order modifications (§511.350.3)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON CHILD SUPPORT ENFORCEMENT FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
HIGHWAY FUND			
<u>Costs</u> – Department of Transportation Potential delays in recovering funds (§510.120)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON HIGHWAY FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

**STATEWIDE COURT
AUTOMATION FUND**

Revenues – Office of State Courts
Administrator

Extension of sunset (\$476.055)	<u>\$3,708,333</u>	<u>\$4,450,000</u>	<u>\$0</u>
---------------------------------	--------------------	--------------------	------------

**ESTIMATED NET EFFECT ON
STATEWIDE COURT
AUTOMATION FUND**

<u>\$3,708,333</u>	<u>\$4,450,000</u>	<u>\$0</u>
--------------------	--------------------	------------

FISCAL IMPACT - Local Government

FY 2004
(10 Mo.)

FY 2005

FY 2006

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would change various provisions relating to court procedures. In its main provisions, the proposal would:

- (1) Amend the statute on time computation in civil cases to exactly match the corresponding Supreme Court rule;
- (2) Amend the process for filling vacancies of any unexpired term on the executive council of the judicial conference;
- (3) Allow for legislative continuances in court during special and veto sessions and during interim committee assignments;
- (4) Eliminate, effective January 1, 2004, any requirement that petitioners for protection orders

BLG:LR:OD (12/02)

provide their Social Security numbers on petitions or case documents, although courts may require petitioners to provide the number on confidential case sheets;

DESCRIPTION (continued)

(5) Allow a party to a contested case with a state agency to apply to a court for enforcement of a subpoena. Current law allows only the agency to seek court enforcement. The proposal would also allow the agency or any party to intervene in an enforcement action;

(6) Remove the requirement that a transcript judgment be filed with the circuit clerk before a judgment entered by an associate division of the circuit court becomes a lien on real property; and

(7) Require, beginning July 1, 2004, that the names on the master jury list be chosen from certain source lists. The names of potential jurors on the list would not be public record.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of Administration
Office of State Courts Administrator
Department of Transportation
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Social Services
Department of Conservation
Department of Public Safety
 – Missouri State Highway Patrol
Missouri House of Representatives
Missouri Senate
Office of Secretary of State
Office of the State Treasurer
Jefferson County Commission

L.R. No. 1781-01
Bill No. HB 613
Page 8 of 8
March 12, 2003

A handwritten signature in black ink, reading "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 12, 2003